

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MARK SHANNON WHEELER,)
AIS# 139044)
Plaintiff,)
)
)
v.) Case #2:06-CV-274-MHT
)
)
)
BILL SEGREST,)
)
Defendant.)

ANSWER

Comes now the Defendant, William C. Segrest, by counsel, denying Plaintiff's 1983 claims, and shows unto the Court the following:

1. Plaintiff filed suit in state court making the same claims as he now brings in Federal Court. Plaintiff has failed to exhaust state remedies.
2. The Board of Pardons and Paroles is not a "person" within the meaning of 42 U.S.C. §1983 and is not a potential defendant in this action.

3. The Board's Executive Director, William Segrest, is immune from liability.
4. William Segrest has not deprived Plaintiff of any right, privilege or immunity protected by the Constitution or laws of the United States.
5. Plaintiff has not been deprived of a "liberty interest".
6. Plaintiff has not been treated differently than similarly situated persons.
7. Plaintiff seeks to insinuate the Court into the administration of pardons and paroles, which is a function of the legislature.

Respectfully submitted,

TROY KING
ATTORNEY GENERAL

GREGORY O. GRIFFIN, SR.
CHIEF COUNSEL

s/STEVEN M. SIRMON
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CERTIFICATE OF SERVICE

I hereby certify that on 6-14-2006 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: (None), and I hereby certify that on 6-15-06 I mailed , by United States Postal Service, the document to the following non-CM/ECF participants:

**MARK SHANNON WHEELER
AIS #139044
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MT. MEIGS, AL 36057**

Done this 14th day of June 2006.

Respectfully submitted,

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